

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF PENNSYLVANIA

OPSEC SECURITY, INC.

Plaintiff,

vs.

MOORE WALLACE NORTH AMERICA,  
INC., AND R.R. DONNELLEY & SONS  
COMPANY,

Defendants.

Case No. \_\_\_\_\_

Patent # 6,837,960 6,632,533  
5,370,763 6,764,571  
6,364,994 7,204,909  
5,704,652  
5,595,624

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, OpSec Security, Inc., by its undersigned counsel, files its Complaint against Defendants, Moore Wallace North America, Inc., and R.R. Donnelley & Sons Company, as follows:

NATURE OF THE ACTION AND SUBJECT MATTER JURISDICTION

1. This is an action for patent infringement, arising under the Patent Laws of the United States, 35 U.S.C. §§ 1 *et seq.* and in particular arising under 35 U.S.C. § 271. This Court has subject matter jurisdiction over this action pursuant to 35 U.S.C. § 281 and 28 U.S.C. §§ 1331 because the actions asserted herein arise under the laws of the United States, 1338(a) because the actions asserted herein arise out of an Act of Congress relating to patents, and 1332 because there is complete diversity of citizenship between Plaintiff and all Defendants and the amount in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs.

R.E.G 1-19 S, Temporary Operating Permit Stickers. OPSEC's bid was received on September 29, 2008.

26. On or about September 30, 2008, OPSEC was given notice via the California State Contracts Register that the Temporary Operating Permit Sticker Contract had been awarded to MWNA.

27. On October 3, 2008, a representative of OPSEC visited the California Department of Motor Vehicles Contract Office to view the MWNA bid proposal and to examine samples of the Temporary Operating Permit Stickers submitted by MWNA as part of its bid.

28. An inspection of the MWNA Temporary Operating Permit Sticker revealed that its construction infringes the OPSEC patents in several respects, including, but not limited to, the fact that the MWNA Temporary Operating Permit Sticker includes a full hologram over which is written variable information and which is then covered by what is believed to be a write-resistant covering.

**COUNT I**  
**PATENT INFRINGEMENT**  
**('960 PATENT')**

29. OPSEC realleges and incorporates herein by reference the allegations contained in Paragraphs 1 through 28 of this Complaint.

30. Defendants have infringed and are infringing, have induced and are inducing others to infringe and/or have contributed and are contributing to the infringement by others of the '960 Patent by making, using, offering for sale, importing or selling in the United States temporary motor vehicle tags that infringe the '960 Patent and Defendants will continue to do so unless enjoined by this Court.

31. Defendants' infringement is willful and in deliberate disregard of OPSEC's rights under the '960 Patent.

32. As a direct and proximate consequence of Defendants' acts and practices, OPSEC has been, is being, and, unless such acts and practices are enjoined by this Court, will continue to be injured in its business and property rights, and has suffered, is suffering, and will continue to suffer injury and damages for which OPSEC is entitled to relief under 35 U.S.C. § 284, including reasonable attorneys' fees pursuant to 35 U.S.C. § 285.

33. By reason of the acts and practices alleged herein, Defendants have caused, are causing, and, unless such acts and practices are enjoined by this Court, will continue to cause immediate and irreparable harm to OPSEC for which OPSEC has no adequate remedy at law and for which OPSEC is entitled to injunctive relief pursuant to 35 U.S.C. § 283.

**COUNT II**  
**PATENT INFRINGEMENT**  
**('763 PATENT)**

34. OPSEC realleges and incorporates herein by reference the allegations contained in Paragraphs 1 through 33 of this Complaint.

35. Defendants have infringed and are infringing, have induced and are inducing others to infringe and/or have contributed and are contributing to the infringement by others of the '763 Patent by making, using, offering for sale, importing or selling in the United States temporary motor vehicle tags that infringe the '763 Patent and Defendants will continue to do so unless enjoined by this Court.



41. Defendants' infringement is willful and in deliberate disregard of OPSEC's rights under the '994 Patent.

42. As a direct and proximate consequence of Defendants' acts and practices, OPSEC has been, is being, and, unless such acts and practices are enjoined by this Court, will continue to be injured in its business and property rights, and has suffered, is suffering, and will continue to suffer injury and damages for which OPSEC is entitled to relief under 35 U.S.C. § 284, including reasonable attorneys' fees pursuant to 35 U.S.C. § 285.

43. By reason of the acts and practices alleged herein, Defendants have caused, are causing, and, unless such acts and practices are enjoined by this Court, will continue to cause immediate and irreparable harm to OPSEC for which OPSEC has no adequate remedy at law and for which OPSEC is entitled to injunctive relief pursuant to 35 U.S.C. § 283.

**COUNT IV**  
**PATENT INFRINGEMENT**  
**'652 PATENT**

44. OPSEC realleges and incorporates herein by reference the allegations contained in Paragraphs 1 through 43 of this Complaint.

45. Defendants have infringed and are infringing, have induced and are inducing others to infringe and/or have contributed and are contributing to the infringement by others of the '652 Patent by making, using, offering for sale, importing or selling in the United States temporary motor vehicle tags that infringe the '652 Patent and Defendants will continue to do so unless enjoined by this Court.

46. Defendants' infringement is willful and in deliberate disregard of OPSEC's rights under the '652 Patent.

47. As a direct and proximate consequence of Defendants' acts and practices, OPSEC has been, is being, and, unless such acts and practices are enjoined by this Court, will continue to be injured in its business and property rights, and has suffered, is suffering, and will continue to suffer injury and damages for which OPSEC is entitled to relief under 35 U.S.C. § 284, including reasonable attorneys' fees pursuant to 35 U.S.C. § 285.

48. By reason of the acts and practices alleged herein, Defendants have caused, are causing, and, unless such acts and practices are enjoined by this Court, will continue to cause immediate and irreparable harm to OPSEC for which OPSEC has no adequate remedy at law and for which OPSEC is entitled to injunctive relief pursuant to 35 U.S.C. § 283.

COUNT V  
PATENT INFRINGEMENT  
'624 PATENT

49. OPSEC realleges and incorporates herein by reference the allegations contained in Paragraphs 1 through 48 of this Complaint.

50. Defendants have infringed and are infringing, have induced and are inducing others to infringe and/or have contributed and are contributing to the infringement by others of the '624 Patent by making, using, offering for sale, importing or selling in the United States temporary motor vehicle tags that infringe the '624 Patent and Defendants will continue to do so unless enjoined by this Court.

51. Defendants' infringement is willful and in deliberate disregard of OPSEC's rights under the '624 Patent.

52. As a direct and proximate consequence of Defendants' acts and practices, OPSEC has been, is being, and, unless such acts and practices are enjoined by this Court, will continue to be injured in its business and property rights, and has suffered, is suffering, and will continue to suffer injury and damages for which OPSEC is entitled to relief under 35 U.S.C. § 284, including reasonable attorneys' fees pursuant to 35 U.S.C. § 285.

53. By reason of the acts and practices alleged herein, Defendants have caused, are causing, and, unless such acts and practices are enjoined by this Court, will continue to cause immediate and irreparable harm to OPSEC for which OPSEC has no adequate remedy at law and for which OPSEC is entitled to injunctive relief pursuant to 35 U.S.C. § 283.

**COUNT VI**  
**PATENT INFRINGEMENT**  
**'533 PATENT**

54. OPSEC realleges and incorporates herein by reference the allegations contained in Paragraphs 1 through 53 of this Complaint.

55. Defendants have infringed and are infringing, have induced and are inducing others to infringe and/or have contributed and are contributing to the infringement by others of the '533 Patent by making, using, offering for sale, importing or selling in the United States temporary motor vehicle tags that infringe the '533 Patent and Defendants will continue to do so unless enjoined by this Court.

56. Defendants' infringement is willful and in deliberate disregard of OPSEC's rights under the '533 Patent.

57. As a direct and proximate consequence of Defendants' acts and practices, OPSEC has been, is being, and, unless such acts and practices are enjoined by this Court, will continue to be injured in its business and property rights, and has suffered, is suffering, and will continue to suffer injury and damages for which OPSEC is entitled to relief under 35 U.S.C. § 284, including reasonable attorneys' fees pursuant to 35 U.S.C. § 285.

58. By reason of the acts and practices alleged herein, Defendants have caused, are causing, and, unless such acts and practices are enjoined by this Court, will continue to cause immediate and irreparable harm to OPSEC for which OPSEC has no adequate remedy at law and for which OPSEC is entitled to injunctive relief pursuant to 35 U.S.C. § 283.

**COUNT VII**  
**PATENT INFRINGEMENT**  
**'571 PATENT**

59. OPSEC realleges and incorporates herein by reference the allegations contained in Paragraphs 1 through 58 of this Complaint.

60. Defendants have infringed and are infringing, have induced and are inducing others to infringe and/or have contributed and are contributing to the infringement by others of the '571 Patent by making, using, offering for sale, importing or selling in the United States temporary motor vehicle tags that infringe the '571 Patent and Defendants will continue to do so unless enjoined by this Court.



61. Defendants' infringement is willful and in deliberate disregard of OPSEC's rights under the '571 Patent.

62. As a direct and proximate consequence of Defendants' acts and practices, OPSEC has been, is being, and, unless such acts and practices are enjoined by this Court, will continue to be injured in its business and property rights, and has suffered, is suffering, and will continue to suffer injury and damages for which OPSEC is entitled to relief under 35 U.S.C. § 284, including reasonable attorneys' fees pursuant to 35 U.S.C. § 285.

63. By reason of the acts and practices alleged herein, Defendants have caused, are causing, and, unless such acts and practices are enjoined by this Court, will continue to cause immediate and irreparable harm to OPSEC for which OPSEC has no adequate remedy at law and for which OPSEC is entitled to injunctive relief pursuant to 35 U.S.C. § 283.

**COUNT VIII**  
**PATENT INFRINGEMENT**  
**'909 PATENT**

64. OPSEC realleges and incorporates herein by reference the allegations contained in Paragraphs 1 through 63 of this Complaint.

65. Defendants have infringed and are infringing, have induced and are inducing others to infringe and/or have contributed and are contributing to the infringement by others of the '909 Patent by making, using, offering for sale, importing or selling in the United States temporary motor vehicle tags that infringe the '909 Patent and Defendants will continue to do so unless enjoined by this Court.

66. Defendants' infringement is willful and in deliberate disregard of OPSEC's rights under the '909 Patent.

67. As a direct and proximate consequence of Defendants' acts and practices, OPSEC has been, is being, and, unless such acts and practices are enjoined by this Court, will continue to be injured in its business and property rights, and has suffered, is suffering, and will continue to suffer injury and damages for which OPSEC is entitled to relief under 35 U.S.C. § 284, including reasonable attorneys' fees pursuant to 35 U.S.C. § 285.

68. By reason of the acts and practices alleged herein, Defendants have caused, are causing, and, unless such acts and practices are enjoined by this Court, will continue to cause immediate and irreparable harm to OPSEC for which OPSEC has no adequate remedy at law and for which OPSEC is entitled to injunctive relief pursuant to 35 U.S.C. § 283.

### PRAYER FOR RELIEF

WHEREFORE, OPSEC prays for relief against the Defendants as follows:

- A. For judgment declaring that Defendants have infringed, induced the infringement of, or contributorily infringed United States Patent No.'s 6,837,960; 5,370,763; 6,364,994; 5,704,652; 5,595,624; 6,632,533; 6,764,571; and 7,204,909 and that such infringements have been willful;
- B. For a temporary restraining order and preliminary and permanent injunction requiring Defendants to recall all of the infringing temporary vehicle tags, and enjoining Defendants, their officers,

agents, servants, representatives, employees, attorneys, privies, successors and assigns, and all persons and entities holding by, through, or under them, and all those acting for or on their behalf, or acting in concert with them, from directly or indirectly making or causing to be made, importing, causing to be imported, using, or causing to be used, offered for sale, or causing to be offered for sale, or selling, or causing to be sold the infringing temporary vehicle tags, or any other product which infringes any of OPSEC's United States patents and from any further infringement, contributory infringement or inducement of infringement, of any of OPSEC's United States patents as authorized by 35 U.S.C. § 283;

C. For monetary relief as follows:

1. A judgment requiring the Defendants to pay OPSEC damages adequate to compensate for the infringements, but in no event less than a reasonable royalty for the use made of OPSEC's inventions by the Defendants, together with interest and costs as fixed by the Court, caused by reason of the Defendants' infringement, inducement of infringement, or contributory infringement of any of OPSEC's United States patents as authorized by 35 U.S.C. § 284; and
2. A judgment awarding OPSEC increased damages in view of the Defendants' intentional, willful and wanton violation of OPSEC's Patents, as well as prejudgment interest, plus



OPSEC's costs, expenses and attorneys' fees in this action  
as authorized by 35 U.S.C. §§ 284 and 285.

D. Such other and further relief as the Court deems just and proper.

Respectfully submitted,

/s/ Mark A. Willard

Mark A. Willard, Esq.

Pa. I.D. No. 18103

David V. Radack, Esq.

Pa. I.D. No. 39633

Eckert Seamans Cherin & Mellott

Firm No. 075

U.S. Steel Tower, 44<sup>th</sup> Floor

600 Grant Street

Pittsburgh, PA 15219.2788

(412) 566.6000

Attorneys for Plaintiff, OpSec Security, Inc.

Dated: October 7, 2008.

JS 44 (Rev. 11/04)

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS OPSEC SECURITY, INC.

DEFENDANTS MOORE WALLACE NORTH AMERICA, INC., ET AL

(b) County of Residence of First Listed N/A

County of Residence of First Listed Defendant

(EXCEPT IN U.S. PLAINTIFF CASES)

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorneys Mark A. Willard, Esq. and David V. Radack, Esq.

Attorneys Mark A. Willard, Esq. and Audrey K. Kwak, Esq.

Eckert, Seamans, Cherin &amp; Mellott, 600 Grant Street, 44th Fl., Pgh, PA (412) 566-6171

(Firm Name, Address, and Telephone Number)

Attorneys (If Known)

## II. BASIS OF JURISDICTION

(Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff  
☐ 2 U.S. Government Defendant  
☒ 3 Federal Question (U.S. Government Not a Party)  
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |  | PTF                        | DEF                        |
|---|----------------------------|----------------------------|--|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State    | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated or Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation   | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. NATURE OF SUIT

(Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 160 Medicare Act <input type="checkbox"/> 170 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 180 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 190 Stockholders' Suits <input type="checkbox"/> 200 Other Contract <input type="checkbox"/> 210 Contract Product Liability <input type="checkbox"/> 220 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Trench in Lending <input type="checkbox"/> 380 Other Personal <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 420 Agriculture <input type="checkbox"/> 425 Other Food & Drug <input type="checkbox"/> 430 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 435 Liquor Laws <input type="checkbox"/> 440 R.R. & Truck <input type="checkbox"/> 445 Airline Regs. <input type="checkbox"/> 450 Occupational Safety/Health <input type="checkbox"/> 455 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 425 Copyrights <input type="checkbox"/> 430 Patent <input checked="" type="checkbox"/> 435 Trademark <b>LABOR</b> <input type="checkbox"/> 440 Fair Labor Standards Act <input type="checkbox"/> 445 Labor/Mgmt. Relations <input type="checkbox"/> 450 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 455 Railway Labor Act <input type="checkbox"/> 460 Other Labor Litigation <input type="checkbox"/> 465 Empl. Ret. Inc. Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 460 State Reapportionment <input type="checkbox"/> 465 Antitrust <input type="checkbox"/> 470 Banks and Banking <input type="checkbox"/> 475 Commerce <input type="checkbox"/> 480 Disposition <input type="checkbox"/> 485 Redresser Influenced and Corrupt Organizations <input type="checkbox"/> 490 Consumer Credit <input type="checkbox"/> 495 Cable/Sat TV <input type="checkbox"/> 500 Selective Service <input type="checkbox"/> 505 Securities/Commodities/Exchange <input type="checkbox"/> 510 Customer Challenge 12 USC 3410 <input type="checkbox"/> 515 Other Statutory Actions <input type="checkbox"/> 520 Agricultural Acts <input type="checkbox"/> 525 Environmental Stabilization Act <input type="checkbox"/> 530 Environmental Movers <input type="checkbox"/> 535 Energy Allocation Act <input type="checkbox"/> 540 Freedom of Information Act <input type="checkbox"/> 545 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 550 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 250 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 447 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 515 Habeas Corpus <input type="checkbox"/> 520 General <input type="checkbox"/> 525 Death Penalty <input type="checkbox"/> 530 Mandamus & Other <input type="checkbox"/> 535 Civil Rights <input type="checkbox"/> 540 Prison Condition			

## V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding  
☐ 2 Removed from State Court  
☐ 3 Remanded from Appellate Court  
☐ 4 Reinstated or Reopened  
☐ 5 Transferred from another district (specify)  
☐ 6 Multidistrict Litigation  
☐ 7 Appeal to District Judge from Magistrate Judgment

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 35 U.S.C. 271

Brief description of cause: Trademark Infringement

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$ Excess of \$75,000.00

CHECK YES only if demanded in complaint: JURY DEMAND: ☐ Yes ☒ No

## VIII. RELATED CASE(S) IF ANY

(See Instructions):

JUDGE

DOCKET NUMBER

DATE 10/07/08

SIGNATURE OF ATTORNEY OF RECORD /s/ Mark A. Willard

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

JS 44AREVISED OCTOBER, 1993

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

THIS CASE DESIGNATION SHEET MUST BE COMPLETED

**PART A**

This case belongs on the ☐ Erie ☐ Johnstown ☒ Pittsburgh) calendar.

1. **ERIE CALENDAR** - If cause of action arose in the counties of Crawford, Elk, Erie, Forest, McKean, Venang or Warren, OR any plaintiff or defendant resides in one of said counties.

2. **JOHNSTOWN CALENDAR** - If cause of action arose in the counties of Bedford, Blair, Cambria, Clearfield or Somerset OR any plaintiff or defendant resides in one of said counties.

3. Complete if on **ERIE CALENDAR**: I certify that the cause of action arose in \_\_\_\_\_ County and that the \_\_\_\_\_ resides in \_\_\_\_\_ County.

4. Complete if on **JOHNSTOWN CALENDAR**: I certify that the cause of action arose in \_\_\_\_\_ County and that the \_\_\_\_\_ resides in \_\_\_\_\_ County.

**PART B** (You are to check ONE of the following)

1. ☐ This case is related to Number \_\_\_\_\_ Judge \_\_\_\_\_
2. ☒ This case is not related to a pending or terminated case.

**DEFINITIONS OF RELATED CASES:**

**CIVIL:** Civil cases are deemed related when a case filed relates to property included in another suit or involves the same issues of fact or it grows out of the same transactions as another suit or involves the validity or infringement of a patent involved in another suit

**EMINENT DOMAIN:** Cases in contiguous closely located groups and in common ownership groups which will lend themselves to consolidation for trial shall be deemed related.

**HABEAS CORPUS & CIVIL RIGHTS:** All habeas corpus petitions filed by the same individual shall be deemed related. All pro se Civil Rights actions by the same individual shall be deemed related.

**PART C**

1. **CIVIL CATEGORY** (Place x in only applicable category).

1. ☐ Antitrust and Securities Act Cases
2. ☐ Labor-Management Relations
3. ☐ Habeas Corpus
4. ☐ Civil Rights
5. ☒ Patent, Copyright, and Trademark
6. ☐ Eminent Domain
7. ☐ All other federal question cases
8. ☐ All personal and property damage tort cases, including maritime, FELA, Jones Act, Motor vehicle, products liability, assault, defamation, malicious prosecution, and false arrest
9. ☐ Insurance indemnity, contract and other diversity cases.
10. ☐ Government Collection Cases (shall include HEW Student Loans (Education), VA Overpayment, Overpayment of Social Security, Enlistment Overpayment (Army, Navy, etc.), HUD Loans, GAO Loans (Misc. Types), Mortgage Foreclosures, S.B.A. Loans, Civil Penalties and Coal Mine Penalty and Reclamation Fees.)

I certify that to the best of my knowledge the entries on this Case Designation Sheet are true and correct

DATE 10/07/08 ATTORNEY AT LAW /s/ Mark A. Willard

NOTE: ALL SECTIONS OF BOTH SIDES MUST BE COMPLETED BEFORE CASE CAN BE PROCESSED.

## INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

## Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. (a) **Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) **Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

**Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below. United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

III. **Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. **Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

V. **Origin.** Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts. Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date. Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

VI. **Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553  
Brief Description: Unauthorized reception of cable service

VII. **Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. **Related Cases.** This section of the JS 44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.



### **PERSONAL JURISDICTION AND VENUE**

6. Defendants are subject to the personal jurisdiction of this Court pursuant to 42 Pa.C.S. § 5322, because Defendants conduct business activities which constitute transacting business within the Commonwealth of Pennsylvania in accordance with 42 Pa.C.S. § 5321(a) and are subject to the jurisdiction of this Court to the fullest extent allowed under the Constitution of the United States in accordance with 42 Pa.C.S. § 5322(b).

7. Venue over this action is proper in this Court pursuant to 28 U.S.C. §§ 1391(a), 1391(b), and 1400(b), because this Judicial District is a judicial district in which a substantial part of the events giving rise to the claims asserted herein occurred, because Defendants are subject to personal jurisdiction within this Judicial District and therefore, reside within this Judicial District and, because Defendants conduct a systematic and regular business activity within this Judicial District.

### **FACTS COMMON TO ALL COUNTS**

#### **THE OPSEC PATENTS**

#### **PATENT NO. 6,837,960**

8. On January 4, 2005, United States Patent No. 6,837,960 ("the '960 Patent") was duly and validly issued to Yoram Curiel for an invention relating to, *inter alia*, a tamper evident informational article such as a temporary vehicle registration which may be made of paper or paperboard wherein the informational article has a zone for inserting information in a pattern within said zone which will resist effective counterfeiting and a transparent tape which preferably has a silicone resin coating which contains a wax and is adhesively secured over the information contained within











